

### **REMARKS**

The Official Action mailed March 22, 2004, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for One Month Extension of Time*, which extends the shortened statutory period for response to July 22, 2004. Accordingly, Applicants respectfully submit that this response is being timely filed.

The Applicants note with appreciation the consideration of the Information Disclosure Statements filed on October 31, 2000, July 5, 2001, January 30, 2002, February 5, 2002, November 6, 2002, June 23, 2003, October 24, 2003, and December 2, 2003.

Claims 1-3 and 35-61 were pending in the present application prior to the above amendment. Please note, the Office Action Summary shows that claims "1-3 and 35-51" are pending, but the body of the Action shows that the Examiner has considered claims 1-3 and 35-61. Claims 2 and 35-61 have been canceled, claim 1 has been amended to better recite the features of the present invention, and new claims 62-92 have been added to recite additional protection to which Applicants are entitled. Accordingly, claims 1, 3 and 62-92 are now pending in the present application, of which claims 1, 65, 69, 73, 77, 81, 85 and 89 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 5 of the Official Action rejects claims 1-3, 43, 46 and 49 as obvious based on the combination of U.S. Patent No. 5,728,259 to Suzawa, U.S. Patent No. 5,575,883 to Nishikawa, U.S. Patent No. 5,531,862 to Otsubo, U.S. Patent No. 5,306,651 to Masumo and U.S. Patent No. 5,661,056 to Takeuchi. Claims 2, 43, 46 and 49 have been canceled. With respect to claims 1 and 3, the Applicants respectfully submit that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The prior art, either alone or in combination, does not teach or suggest all the features of the independent claims, as amended. Independent claim 1 has been amended to recite forming a semiconductor film comprising amorphous silicon on an insulating surface, providing the semiconductor film with a metal containing material for promoting crystallization of the semiconductor film, crystallizing the semiconductor film by heating, irradiating the crystallized semiconductor film with laser light, and removing the metal from the crystallized semiconductor film by gettering after the irradiation of the laser light. Suzawa, Nishikawa, Otsubo, Masumo and Takeuchi, either alone or in combination, do not teach or suggest at least the above-referenced features of the present invention.

Since Suzawa, Nishikawa, Otsubo, Masumo and Takeuchi do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

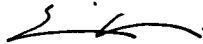
Paragraph 6 of the Official Action rejects claims 36, 38, 41, 44, 47 and 50 as obvious based on the combination of Suzawa, Nishikawa, Otsubo, Masumo, Takeuchi, U.S. Patent No. 5,535,471 to Guldi and Wolf, *Silicon Processing for the VLSI Era*, Volume 2, Chapter 4, last paragraph of page 274 (1990). Paragraph 7 of the Official Action rejects claims 35 and 40 as obvious based on the combination of Suzawa, U.S. Patent No. 4,759,610 to Yanagisawa and U.S. Patent No. 5,902,993 to Okushiba. Paragraph 8 of the Official Action rejects claims 37, 39, 42, 45, 48 and 51 as obvious based on the combination of Suzawa, Nishikawa, Otsubo, Masumo, Takeuchi, Yanagisawa and Okushiba. Paragraph 9 of the Official Action rejects claims 52 and 59 as obvious based on the combination of Suzawa, Nishikawa, Otsubo, Masumo and Takeuchi and U.S. Patent No. 6,006,763 to Mori. Paragraph 10 of the Official Action rejects claims 53, 55, 57 and 60 as obvious based on the combination of Suzawa, Nishikawa, Otsubo, Masumo, Takeuchi, Guldi, Wolf and Mori. Paragraph 11 of the Official Action rejects claims 54, 56, 58 and 61 as obvious based on the combination of Suzawa, Nishikawa, Otsubo, Masumo, Takeuchi, Yanagisawa, Okushiba and Mori. In response, claims 2 and 35-61 have been canceled; therefore, the above-referenced rejections are moot.

Paragraph 13 of the Official Action rejects claims 1-3 and 35-51 under the doctrine of obviousness-type double patenting over the combination of claims 1-38 of U.S. Patent No. 6,180,439 to Yamazaki et al., Suzawa, Nishikawa, Otsubo, Masumo, Takeuchi, Guldi, Mori, Wolf and Yanagisawa. Claims 2 and 35-61 have been canceled. With respect to claims 1 and 3, as is discussed in greater detail above, independent claim 1 has been amended to better recite the features of the present invention. In light of this amendment, the Applicants respectfully traverse this ground for rejection and reconsideration of the pending claims is respectfully requested. In any event, the Applicants respectfully request that the double patenting rejections be held in abeyance until an indication of allowable subject matter is made in the present application. At such time, the Applicants will respond to any remaining double patenting rejections.

New claims 62-92 have been added to recite additional protection to which the Applicants are entitled. For the reasons stated above and already of record, the Applicants respectfully submit that new claims 62-92 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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